

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)	Confirmation No.: NOT YET ASSIGNED
)	
MIZUNO, et al.	)	Group Art Unit: NOT YET ASSIGNED
)	
Appl. No.: NOT YET ASSIGNED	)	Examiner: NOT YET ASSIGNED
)	
Filed: HERewith	)	<u>INFORMATION DISCLOSURE STATEMENT</u>
)	
Atty. Docket No.: 5426SI-2	)	"EXPRESS MAIL" LABEL NUMBER: <u>EV 655364810US</u>
	)	DATE OF DEPOSIT: <u>02 June 2006</u>
)	
For: FATIGUE EVALUATION	)	I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
APPARATUS, FATIGUE EVALUATION	)	DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
METHOD, AND APPLICATION	)	"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
THEREOF	)	UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND
	)	IS ADDRESSED TO THE COMMISSIONER FOR PATENTS,
	)	P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.
		TYPED OR PRINTED NAME: <u>Carol Werner</u>
		SIGNATURE: <u>Carol Werner</u>

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited non-patent and/or foreign references are enclosed herewith.

☐ Copies of the cited U.S. patents and/or patent applications are enclosed herewith.

☒ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waivers dated July 11, 2003 and October 19, 2004, whereby patent applications filed, regardless of the filing date, need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Express Mail Label No. EV 655364810 US
Atty. Docket No. 5426SI-2

☒ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. _____ filed _____

Serial No. _____ filed _____

☒ Other: Search Report for PCT Application No. PCT/JP2005/001790
Written Opinion for PCT/JP2005/001790

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or<input checked="" type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or<input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or<input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
-------------------------------------	--

<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none">(1) a final action under 37 C.F.R. 1.113 or(2) a notice of allowance under 37 C.F.R. 1.311, or(3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"><input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) <p style="text-align: center;">AND</p> <ul style="list-style-type: none"><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.

<p>Certification (37 C.F.R. 1.97(e)) (Applicable only if checked)</p>	
<p><input type="checkbox"/> The undersigned certifies that:</p> <ul style="list-style-type: none"><input type="checkbox"/> Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).<input type="checkbox"/> A copy of the communication from the foreign patent office is enclosed. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"><input type="checkbox"/> No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).	

Express Mail Label No. EV 655364810 US
Atty. Docket No. 5426SI-2

10/581565
AP20 Rec'd PCT/PTO 02 JUN 2006

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Joseph E. Kovarik
Registration No. 33,005
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 6/2/06

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
				Application Number	10/581565
				Filing Date	HEREWITH
				First Named Inventor	MIZUNO et al.
				Art Unit	NOT YET ASSIGNED
				Examiner Name	NOT YET ASSIGNED
Sheet	1	of	1	Attorney Docket Number	5426SI-2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-5,576,348	11-19-1996	Hirohiko Kuratsune et al.	
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ ; Number ⁴ ; Kind Code ⁵ (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		JP	- 11-304792 A	11-05-1999	Taisho Pharmaceutical Co., Ltd.		
		JP	- 11-304793 A	11-05-1999	Taisho Pharmaceutical Co., Ltd.		
		JP	- 2000-319177 A	11-21-2000	Taisho Pharmaceutical Co., Ltd.		
		JP	- 2003-098177 A	04-03-2003	Shigeru TOKURIKI		
		JP	- 9-089897 A	04-04-1997	Taisho Pharmaceutical Co., Ltd.		
		JP	- 2004-198325 A	07-15-2004	Oriental Yeast Co., Ltd.		
		JP	- 08-026987	01-30-1996	Hirohiko Kuratsune et al.		

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. ¹	
		HATTORI, Nami, "Undo Zengo ni Okeru Tryptophan to Kynurenine no Hendo to Hiro", Dai 13 Kai Japan Society of Clinical Chemistry Tokai Horuriku Shibu Sokai Program Shorokushu Heisei 14 Nen, page 52
		STRUDER, H.K. et al. "Effect of acute and chroni exercise on plasma amino acids and prolactin concentrations and on [³ H]ketanserine binding to serotonin _{2A} receptors on human platelets", Eur. J. Appl. Physiol (1999) 79: 318-324
		Report on Characteristics of Fatal Traffic Accidents and Crackdowns on Violations of the Road Traffic Law in the Year 2002, Traffic Bureau of the National Police Agency, January 30, 2003

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.